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EXAMINER

LAYE, JADE O

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/848,581

Applicant(s)

DURKEE ET AL.

Examiner

Jade O. Laye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 3-7, 10-18 and 20-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/01
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/3/01 is in compliance with the provisions of 37 CFR 1.97 and has been considered. Accordingly, the IDS has been entered into applicant's file.

Drawings

1. The drawings are objected to because
 - a. In Figure 1, "Data Locator" has no corresponding identification number. But, it is referred to in the Specification as Item #124. (Spec. Page 6).
 - b. "Vendors" in Figure 1 and the keyboard in Figure 3 are each labeled Item #320.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:
 - a. Communication Line 136 is not identified in the drawings. (Spec. Pg. 7)
 - b. Subscriber email server data storage 216 is labeled 220 in drawing 2. (Spec. Pg. 12).
 - c. Email Index 257 is labeled 252 in drawing 2. (Spec. Pg. 12).
 - d. Subscriber billing server data storage 244 is labeled 224 in drawing 2. (Spec. Pg. 12).
 - e. There is no television screen 804 shown in Figure 8. (Spec. Pg. 18).

Appropriate correction is required.

Claim Objections

3. Claims 3-7, 10-18, and 20-27 are objected to because of the following informalities:
 - a. Claims should begin with one capital letter and end with one period. The word "Claim" should not be capitalized within the body of a claim.
 - b. The preamble to Claims 3 and 4, "A method according to Claim 1", lack antecedent basis. There is no method mentioned in claim 1.
 - c. "The personal information" limitation recited in Claim 6 lacks antecedent basis.

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- d. "The television screen" of Claim 7 lacks antecedent basis.
- e. "The location indicator" of Claim 15 lacks antecedent basis.
- f. "The vendor" of Claims 22, 26, and 27 lacks antecedent basis.
- g. "The second picture" of Claim 24 lacks antecedent basis.
- h. "The purchase information" of Claim 25 lacks antecedent basis.
- i. "The second picture", "The personal information", and "the at least partially completed order form" of Claim 27 lack antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

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claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-4, 8-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard et al (US #5,751,282) in view of Wood et al. (US Pub. #2002/0112007).

Applicant's Claim 1 recites an interactive television network comprising:

- a. a data locator in communication with a set-top terminal, which is used for accessing other interactive television components and for providing broadcast programming
- b. one or more memories accessible by the data locator
- c. the data locators containing at least three of the following data:
 - c(1). Television listings data of past, current, and future scheduled programming
 - c(2). Programming content data containing audio/video of previously broadcast programming
 - c(3). Email data containing email for subscribers
 - c(4). Telephone voice mail info stored on voice mail database.

As to sub-element "a", Girard discloses an interactive television system comprising a head-end (i.e., data locator) coupled to a set-top box, which is used for accessing an electronic programming guide and the corresponding programs stored on the head-end server. (Col. 1, Ln. 5-17). But, Girard fails to teach whether the system can interact with other network components.

However, within the same field of endeavor, Wood discloses an interactive system, which can access a variety of Internet based messaging sources (i.e., network components). (Pg. 1, Par. [0011] & Fig. 1). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard with the interactive system of Wood in order to provide a system which is capable of accessing a wider variety of network components (i.e. programming guide, internet, and email/voicemail database).

As to sub-element "b", Girard teaches the interactive system contains past, current, and future television listings (Col. 2, Ln. 11-17) and previously broadcasted programming (Col. 2, Ln. 19-22). But, Girard fails to teach a system capable of accessing email and voicemail databases. However, in the same field of endeavor, Wood discloses a system capable of accessing a subscribers email and voicemail messages. (Pg. 3, Par. [0031] & Fig. 4, 5, 6A, & 6B]). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard with the email and voicemail database accessing capability of Wood in order to provide an interactive system, which allows a user to interact with various network components. (The examiner would like to note that applicant's claim 1 is limited to "at least three" of television listing data, programming content data, email data, and voice mail data. Although it is only necessary to cite three of the limitations as the basis of an obviousness rejection, the above citations contain all four).

Claims 8 and 9 are means-plus function and method claims, respectively, which correspond to the apparatus claim 1. Accordingly, they are analyzed and rejected as previously discussed.

Applicant's Claim 2 recites the network of Claim 1, wherein the television listing data includes the title, channel, time, duration, content description, rating, category, and another air time. As mentioned above, Girard and Wood contain all limitations of applicant's Claim 1 and Girard further discloses the programming guide contains the title (Fig. 2), channel (Fig. 2), duration (Fig. 2), content description (Fig. 2), category (Fig. 4), and another air-time (Col. 1, Ln. 38-43—since a movie can be shown every 2 hours, it is inherent that the guide contain the alternate show times). But Girard fails to specifically disclose whether the guide contains the program rating. However, providing a program rating is an obvious variant of Girard's programming guide. Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to modify the programming guide of Girard to also display the program rating in order to provide a more detailed listing.

Applicant's Claim 3 recites the method of Claim 1, wherein the programming data includes at least one of closed caption information, speech transcription, video information, program title, program rating, program category, and another air time. (Note: The PTO considers claims containing the "at least one of" language to be anticipated by prior art containing any one of the subsequent limitations.) As discussed above, Girard and Wood contain all limitations of applicant's Claim 1 and 2. Since a number of limitations within Claim 2 are listed in Claim 3 also, Claim 3 is analyzed and rejected as previously discussed under Claim 2. (The examiner also notes that Wood discloses a method whereby a segment of the voicemail message is converted to text. (Par. [0056], [0057] & Fig. 6D)).

Applicant's Claim 11 is a method claim, which contains a combination of limitations from apparatus claims 2 and 3. It is analyzed and rejected as previously discussed therein.

Applicant's Claim 4 recites the method of Claim 1, wherein the programming content data includes at least one of metadata and XML data. (Note: This claim contains the "at least one of" language, so the above interpretation applies here also) As discussed above, Girard and Wood contain all limitations of applicant's Claim 1, and Girard further teaches the programming guide contains information such as the program title, category, etc. (Fig. 2). Since applicant's specification describes metadata as information such as the program title (Spec. Pg. 1), Claim 4 is analyzed and rejected as discussed under Claim 2.

Applicant's Claim 10 recites the method of Claim 9, further comprising:

- a. recording at least a portion of the broadcasting programming in memory during the broadcast
- b. receiving a request to rebroadcast the programming from a subscriber
- c. retrieving the program from memory
- d. and replaying the program to the subscribers.

As discussed above, Girard and Wood contain all limitations of applicant's Claim 9, and Girard further discloses a method in which the head-end stores the programs as they are transmitted in real time so that they can be added to the previously played program database. (Col. 2, Ln. 18-22). Once this is done, the user can request the previously broadcasted program and it is retrieved and replayed by the user's set-top box. (Col. 2, Ln. 30-35). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify the combination of Girard and Wood to also contain the simultaneous storage/replay teaching of Girard in order to provide the user with the ability to replay previously broadcasted programs.

Applicant's Claim 12 recites the method of Claim 9, wherein the forwarding step includes providing only a portion of a program to the network subscriber. As discussed above, Girard and Wood contain all limitations of applicant's claim 9, and Girard further discloses a method by which a clip of a future program (i.e., portion of program) can be supplied to a subscriber. (Col. 2, Ln. 35-40). Accordingly, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to further modify the combined teachings of Girard and Wood to also include the clip providing capability of Girard in order to allow the user view clips of programs instead of viewing them in their entirety.

Applicant's Claim 13 recites the method of Claim 12, wherein the program portion includes only a portion of the frames of the program. As discussed above, Girard and Wood contain all limitations of applicant's claim 12 based upon Girard's disclosure of a method by which a clip of a future program (i.e., portion of program) can be supplied to a subscriber. (Col. 2, Ln. 35-40), which also serve the basis of Claim 13's rejection. A clip of a program can be either a program portion or portions of the frames of a program. Accordingly, Claim 13 is analyzed and rejected as previously discussed under Claim 12.

Applicant's Claim 14 recites the method of Claim 9, wherein the forwarding step includes providing a location indicator of the at least three types of data to the network subscriber. As discussed above, Girard and Wood contain all limitations of applicant's Claim 9 and they further contain the following: Girard lists the broadcast channel (i.e., location) of the past, current, and future programming (Fig. 2). Wood discloses a method by which the source of the email/voicemail messages is displayed. (Fig. 6A/6E). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify

the combined teachings of Girard and Wood to further include location indicators of the messages in order to inform the user of the identification of the sender.

Applicant's Claim 16 recites the method of Claim 9, further comprising receiving an email message from subscriber including the location indicator and delivering the message to a second network subscriber. As discussed above, Girard and Wood contain all limitations of applicant's Claim 9, and Wood further teaches receiving an email message from subscriber containing a location indicator (i.e., sender) and delivering it to a recipient (which could be anyone including a second network subscriber). (Par. [0072] and Fig. 6E). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify the joint teaching of Girard and Wood to further include the location indication capability of Wood in order to allow subscribers to send emails.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard in view of Wood as applied to claim 1 above, and further in view of Knee et al. (US #5,589,892).

Applicant's Claim 5 recites the network of Claim 1, wherein the one or more memories further include:

- a. billing data for subscribers
- b. help data for subscribers
- c. personal information for subscribers
- d. calendar information for subscribers
- e. and, financial information for subscribers

As discussed above, Girard and Wood contain all limitations of applicant's Claim 1, but fail to disclose the limitations recited in Claim 5. However, in the same field of endeavor, Knee

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discloses an interactive programming guide containing the customer's billing data (Fig. 29), help data (Col. 13, Ln. 33-59; Fig. 36D), personal information (Fig. 29), calendar information (Col. 16, Ln. 51-65; Fig. 13), and financial information (Col. 22, Ln. 5-13; Col. 37, Ln. 41-51). The examiner interprets the "calendar information" limitation to be any data pertaining to the date or time of a program in relation to a user's schedule. Knee's method allows a user to set a reminder to be displayed on the specified time and day entered by the user. (Col. 16, Ln. 51-65; Fig. 13). Therefore, in essence the user is allowed to set reminders on his or her calendar, to inform the user of certain programs which will be aired. Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard and Wood with the data system of Knee in order to provide an efficient method of billing, data storage, trouble shooting, and a more user friendly system.

Applicant's Claim 6 recites the network of Claim 4, wherein the personal information includes payment method, credit card information, debit card information, subscriber's name, telephone number, address, and a history of purchases. As discussed above, Girard and Wood contain all limitations of applicant's Claim 4, but fail to disclose the limitations of claim 5. However, within the same field of endeavor, Knee discloses an interactive network containing payment method information (Fig. 43C), credit card information (Col. 37, 42-43), subscriber name (Fig. 29), subscriber address/telephone number (Col. 37, Ln 42-43), and subscriber purchase history (Col. 22, Ln. 5-13). Although Knee does not explicitly state that debit cards can be used, this limitation is an obvious variant to a credit card. Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard and Wood with the personal information teaching of Knee in order

to provide a more efficient billing system and to provide up to date purchase information to a user.

6. Claim 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Girard in view of Wood as applied to claim 1 above, and further in view of Nishikawa et al. (US Pub. #2001/0016947).

Applicant's Claim 7 recites the network of Claim 1, where in the television screen includes a title safe portion and an action safe portion. As discussed above, Girard and Wood contain all limitations of applicant's Claim 1, but fails to disclose a television screen containing an action and title safe portion. However, within the same field of endeavor, Nishikawa discloses such an interactive screen. (Fig. 18). Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard and Wood with the interactive screen of Nishikawa in order to provide the user with a portion of the screen dedicated to entering user inputs.

Applicant's Claim 17 recites the method of Claim 9, further comprising displaying a virtual keyboard, the keyboard being located entirely in the title safe portion of the television screen and receiving from the network subscriber a signal corresponding to the virtual keyboard. As discussed above, Girard and Wood contain all limitations of applicant's Claim 9, but fail to teach the use of a virtual keyboard. However, in the same field of endeavor, Nishikawa discloses the use of a virtual keyboard in which the user can input terms. (Par. [0085] & Fig. 18). Thus, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive system of Girard and Wood with the virtual keyboard on Nishikawa in order to provide the user with a method of inputting search terms.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard in view of Wood as applied to claim 1 above, and further in view of Vallone et al. (US #6,642,939).

Applicant's Claim 15 recites the method of Claim 9, wherein the location indicator is a pointer to a time stamp in a multimedia stream. As discussed above, Girard and Wood contain all limitations of applicant's Claim 1, and Girard further discloses the use of pointers, which are used to access media streams and/or segments of media streams contained on the EPG. (Col. 6, Ln. 59-67 – Col. 7, Ln. 1-10). But, Girard and Wood fail to specifically disclose the use of time stamps embedded within the media streams. However, within the same field of endeavor, Vallone discloses a method in which media streams are embedded with time stamps that enable the system to locate any spot within a program. (Col. 6, Ln. 8-15). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the pointer teaching of Girard with the time stamp teaching of Vallone in order to provide the user with a method of accessing programs dependent upon time stamps embedded in the program.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Girard in view of Wood as applied to claim 9 above, and further in view of Bertram. (US #5,606,374).

Applicant's Claim 18 recites the method of Claim 9, wherein the broadcast programming includes a network address and further comprises:

- a. rendering a bug on the television screen
- b. receiving a signal corresponding to the bug
- c. and sending a signal to the network address in response to the user's input.

Applicant has defined “bug” to be “a single graphic overlay on the video stream” and has stated that the “network address” can be a URL, pointer to another channel, or the like. (Spec. Pg. 5, Ln. 3-5). As discussed above, Girard and Wood contain all limitations of applicant’s Claim 9, but fail to specifically disclose the limitations of claim 18. However, within the same field of endeavor, Bertram discloses an interactive menu overlaying a video stream (Fig. 13-16). Through the use of a remote, the user generates a signal by clicking one of the graphical images, which will send a response up channel, via a distribution link or telephone line, to the network address of any number of interactive networks. (Col. 4, Ln. 24-41; Col. 40, Ln. 20-41). (The examiner notes the citations do not specifically discuss a network address assigned to the network components, but this portion of the claim is contained in the preamble and is not considered a limitation of the claim. In the event applicant chooses to amend claim to include it as a limitation, it would be analyzed and rejected under Schneidewend et al US #6,182,287 as under claim 19 below.) Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant’s invention to combine the interactive system of Girard and Wood with the graphical overlay of Bertram in order to provide the user with a more convenient method of accessing interactive services.

9. Claims 19, 20, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend et al (US #6,182,287) in view of Bertram.

Applicant’s Claim 19 recites an interactive television network comprising:

- a. providing a multimedia broadcast stream containing a network address to a set top box
- b. rendering a first picture on a television containing at least one bug

- c. receiving a signal from a subscriber relating to the bug
- d. and, performing a predetermine action in response to the signal.

As to sub element "a", Schneidewend discloses a method of using an interactive system, which provides multimedia broadcast programming containing various network addresses (Col. 2, Ln. 17-31 & Fig. 3), but fails to teach sub-elements b-d. However, within the same field of endeavor, Bertram discloses a method by which a graphic image is overlaid onto the video stream, a signal is received from the user in relation to the graphic overlay, and the system performs an action in response to the signal. (Fig. 13-16; Col. 40, Ln. 20-41). Accordingly, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to combine the interactive system of Schneidewend with the graphic overlay of Bertram in order to provide the user with a more efficient way of accessing the interactive services.

Applicant's Claim 20 recites the method of Claim 19, wherein the performing step includes rendering a second picture on the television presenting information related to the bug and providing said information to a computation component. The examiner interprets the term "computation" to denote a determination. As discussed above, Schneidewend and Bertram contain all limitations of Claim 19, and Bertram further discloses that information relating to the graphical overlay is displayed after a user selects the overlay (i.e., rendering a second picture). (Fig. 14-18). Within the system of Bertram, it is inherent the system performs a determination of what is to be displayed after the user selects a graphical overlay (i.e., bug). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify the combined teachings of Bertram and Schneidewend to further include

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Bertram's graphical overlays in order to provide the user with a more efficient method of using the interactive services.

Applicant's Claim 21 recites the method of Claim 19, where in the network address is at least one of a URL and a channel. As stated earlier, the "at least one of" language is rendered obvious if any one of the subsequent limitations is contained within the prior art. Also as discussed above, Bertram and Schneidewend contain all limitations of applicant's Claim 19, and Schneidewend further discloses a URL and channel to designate interactive services. (Fig. 3). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to further modify the combined teachings of Bertram and Schneidewend to further include the URL and channel designations of Schneidewend in order to provide an interactive network capable of accessing the internet and various channel broadcasts.

Applicant's Claim 26 recites the method of Claim 19, further comprising connecting the subscriber with the vendor. As discussed above, Schneidewend and Bertram contain all limitations of Claim 19. It is obvious that in order to receive any broadcast, the subscriber must be connected to the vendor (i.e., content provider, etc.). Thus, it was obvious to one ordinarily skilled in this art at the time of applicant's invention that in order to combine the teachings of Schneidewend and Bertram to provide an interactive television system, the system must be connected to the vendor.

10. Claims 22, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Bertram as applied to claim 19 above, and further in view of Nishikawa.

Applicant's Claim 22 recites the method of Claim 19, wherein the multimedia broadcast stream includes an advertisement from the vendor. As discussed above, Schneidewend and Bertram contain all limitations of applicant's Claim 19, but fail to teach whether the multimedia broadcast stream can contain advertisements from a vendor. However, within the same field of endeavor, Nishikawa discloses a method by which a service provider is able to email advertisements to a user. (Pg. 7, Par. [0075]). Therefore, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the joint teachings of Schneidewend and Bertram with the advertisement teaching of Nishikawa in order to provide a convenient avenue for a service provider (i.e., vendor) to communicate and/or advertise to the users. (The examiner notes that applicant refers to vendors and service providers as entities which "...*can be* retailers offering ...goods..." and "...providers of pay-per-view services...", respectively. (Spec. Pg. 13, Ln. 19-21). Therefore, applicant may have sufficiently distinguished the two. However, the examiner also considers a vendor to be an obvious variant of a service provider and, if needed, could reject accordingly.)

Applicant's Claim 23 recites the method of Claim 22, wherein the bug is rendered as a request to purchase a good or service in the advertisement. As discussed above, Schneidewend, Bertram, and Nishikawa contain all limitations of Claim 22. Nishikawa further discloses the use of a purchase icon appearing adjacent to programs desired to be purchased, but fails to disclose that it can be graphically overlaid onto a video stream. (Pg. 1, Par. [0011]). However, as discussed earlier, Bertram does teach the use of graphical images (i.e., bugs) overlaid onto a video stream. Accordingly, it would have been obvious to one of ordinary skill in this art at the time of applicant's invention to further modify the combined teachings of Schneidewend,

Bertram, and Nishikawa to also include a bug used to make purchases in order to provide the user with a convenient method of interactive purchasing.

Applicant's Claim 24 recites the method of Claim 19, wherein the second picture includes a confirmation request. As discussed above, Schneidewend and Bertram contain all limitations of Claim 19, but fail to disclose the use of a confirmation request. However, and Nishikawa further discloses that after the record icon is selected, the user is visually presented with a pull-down screen containing cost, date, and time of the program purchased or to be purchased and a review purchases icon allowing the user to review past purchases. (Pg. 1, Par [0011]). But, Nishikawa fails to specifically teach the use of a confirmation request of the purchase. However, a confirmation request is an obvious variant to the Nishikawa's pull down and review purchases icons. Thus, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to modify the purchase/review purchases teaching of Nishikawa to also include a purchase confirmation in order to provide the user with a second chance to further consider his or her purchase.

11. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneidewend in view of Bertram as applied to claim 19 above, and further in view of Knee.

Applicant's Claim 25 recites the method of Claim 19, wherein the rendering step includes accessing a database containing subscriber's personal information, the database being maintained by the network operator, and including the personal information in the purchasing information. As discussed above, Schneidewend and Bertram contain all limitations of applicant's Claim 19, but fail to disclose any billing method. However, within the same field of endeavor, Knee discloses a network system, which has a database containing subscriber's personal information.

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(Col. 22, Ln. 5-13). After a subscriber makes a purchase, his or her personal information can be automatically inputted onto the billing statement. (Col. 37 Ln. 41-51). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive television network taught by Schneidewend and Bertram with the network database of Knee in order to provide an easier, more efficient method of billing.

Applicant's Claim 27 recites the method of Claim 19 further comprising prior to the rendering of the second picture:

- a. retrieving a subscriber's personal information from memory
- b. completing at least one field of electronic order form using the subscriber's personal information, wherein the partially completed order form is presented to the subscriber

As discussed above, Schneidewend and Bertram contain all limitations of applicant's Claim 19, but fail to disclose any billing method. However, within the same field of endeavor, Knee discloses a network system, which has a database containing subscriber's personal information. (Col. 22, Ln. 5-13). After a subscriber makes a purchase, his or her personal information can be automatically inputted onto a billing statement. (Col. 37 Ln. 41-51). Accordingly, it would have been obvious to one ordinarily skilled in this art at the time of applicant's invention to combine the interactive television network taught by Schneidewend and Bertram with the network database of Knee in order to provide an easier, more efficient method of purchasing and/or billing.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- a. Smith (US #6,563,547) discloses a system and method for displaying a T.V. picture within another displayed image.
- b. Florin et al (US #5,594,509) discloses a method and apparatus for audio-visual interface for the display of multiple levels of information on a display.
- c. Lett et al (US #5,592,551) discloses a method and apparatus for providing an interactive electronic programming guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jade O. Laye whose telephone number is (703) 308-6107. The examiner can normally be reached on Mon. 7:30am-3pm, Tues.-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703)305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials _____
November 26, 2004.


NGOC-YEN VU
PRIMARY EXAMINER